



U.S. Department of Justice

*United States Attorney
Southern District of New York*

86 Chambers Street
New York, NY 10007

June 16, 2025

BY ECF

The Honorable Andrew L. Carter, Jr.
United States District Judge
40 Foley Square
New York, NY 10007

Re: *National Job Corps Association v. Dept. of Labor*, No. 25 Civ. 04641 (ALC)

Dear Judge Carter:

We write respectfully on behalf of Defendants the United States Department of Labor (the “DOL” or the “Government”) and Lori Chavez-Deremer, in her official capacity as Secretary of Labor, to request leave to file a supplemental declaration in sur-reply to address new factual arguments made regarding the DOL’s Transparency Report in Plaintiffs’ reply brief and the declarations submitted therewith, *see* ECF Nos. 41-49. The proposed declaration is attached hereto as Exhibit A.

Additionally, Defendants want to bring to the Court’s attention Judge Vyskocil’s decision filed earlier today in *American Association of University Professors v. U.S. Department of Justice*, No. 25-cv-2429 (MKV), Dkt. No. 148 (S.D.N.Y. June 16, 2025), which is attached hereto as Exhibit B. In that decision, the court found that the plaintiffs (who were not recipients of the grants at issue) lacked standing to challenge the agencies’ decision to terminate those grants. *See id.* at 21-22. The Government also refers the Court to page 29 of the opinion, which recognized that in *Department of Education v. California*, 604 U.S. ___, 145 S.Ct. 966 (2025), the “Supreme Court characterized [agency] ‘grants’ as contracts and ruled that, as such, the district court in that case likely lacked jurisdiction to order relief because ‘the [Administrative Procedure Act’s] limited waiver of immunity does not extend to orders to enforce a contractual obligation to pay money,’ and ‘the Tucker Act grants the Court of Federal Claims [exclusive] jurisdiction over suits based on . . . contract[s] with the United States.’”

We thank the Court for its attention to this matter.

Respectfully,

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United States Attorney

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